

EXHIBIT 16

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN STATE A. PHILIP)
RANDOLPH INSTITUTE, COMMON)
CAUSE, MARY LANSDOWN, ERIN)
COMARTIN and DION WILLIAMS,)
Plaintiffs,)
-vs-)File No.
RUTH JOHNSON, in her official)HON. DRAIN
capacity as Michigan Secretary)MAG. MAJZOUB
of State,)
Defendant.)

D E P O S I T I O N

of DANIEL BAXTER, a witness called by Defendant,
taken before Melinda S. Nardone, Certified Shorthand
Reporter and Notary Public, at 2978 West Grand
Boulevard, Detroit, Michigan, on Friday, August 18,
2017, noticed for the hour of 10:00 a.m.

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<p>1 these questions and it changes the way we approach the 2 deposition. Are you currently under the influence of 3 alcohol?</p> <p>4 A. No.</p> <p>5 Q. Are you currently under the influence of any 6 illegal drugs?</p> <p>7 A. No.</p> <p>8 Q. Are you currently taking any prescription 9 medication that might affect your ability to testify 10 honestly?</p> <p>11 A. No.</p> <p>12 Q. Is there any reason whatsoever that your 13 testimony here today will be anything other than honest 14 and complete?</p> <p>15 A. No.</p> <p>16 Q. Okay. Tell me a little bit about yourself; where 17 did you go to school?</p> <p>18 A. From the beginning or --</p> <p>19 Q. Let's start with high school. Start with 20 graduating high school and go from there.</p> <p>21 A. All right.</p> <p>22 Q. We don't need to worry about elementary school.</p> <p>23 MR. KORDENBROCK: I want to the know about 24 grade school.</p> <p>25 THE WITNESS: I started Servite High School</p>	<p>1 So in 2006 I was appointed director of elections by the 2 current city clerk, Janice Winfrey. And from 2006 to 3 2013 I maintained that position until retirement.</p> <p>4 Q. So currently you're the director of elections?</p> <p>5 A. I am currently.</p> <p>6 Q. And prior to that you had retired for a period 7 and gone down to Alabama?</p> <p>8 A. Yes.</p> <p>9 Q. What brought you back?</p> <p>10 A. The city brought me back. The person who had my 11 former position did not work out, who had my position, 12 took my position after I retired didn't work out, so I 13 got a call back from the city and they asked me to come 14 back and, you know, the stars lined up right. Family 15 didn't like Montgomery, Alabama, at all, my wife and my 16 three daughters couldn't stand it down there, it was 17 kind of like Green Acres, fresh air, Times Square. So, 18 you know, everything worked out and then my mom, you 19 know, here in Detroit, you know, she was older, she'll 20 be 90 on her birthday, September 26th, so she probably 21 was more disappointed in my departure and you could see 22 it every time I came back home so, you know, those were 23 the things that brought me back home.</p> <p>24 Q. Glad to have you back.</p> <p>25 A. It's good to be back. No place like home, click</p>
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<p>1 in 1979, it is a Catholic school on the south side of 2 the City of Detroit. I graduated there in 1983.</p> <p>3 Afterwards I did probably a year at Macomb County 4 Community College. Thereafter I went to Detroit 5 Business Institute, and after I finished there I started 6 working for the City of Detroit in 1985.</p> <p>7 It wasn't until right around 1991 I decided 8 to go back to school, which was Wayne County Community 9 College, I received my associate's degree from there.</p> <p>10 And shortly thereafter I attended the University of 11 Detroit Mercy is where I obtained my bachelor's degree 12 in political science in 2001.</p> <p>13 Q. And in terms of employment experience, I know you 14 mentioned starting in the City of Detroit, what position 15 did you start at the City of Detroit?</p> <p>16 A. I was a temporary junior typist in 1985. That's 17 the position I started at.</p> <p>18 Q. Did you stay with the city while you were going 19 back to school?</p> <p>20 A. Yes, I did. I maintained my employment from 1985 21 all the way up until maybe right up until 2013 whereby I 22 retired from the city, relocated to Montgomery, Alabama, 23 spent two years down there, and then came back to the 24 City of Detroit, Department of Elections, in 2015 where 25 I resumed my current position as director of elections.</p>	<p>1 your heels three times.</p> <p>2 Q. And prior to your retirement you were already the 3 director of elections?</p> <p>4 A. That's correct.</p> <p>5 Q. Prior to being the director of elections what 6 position did you hold?</p> <p>7 A. I was the deputy city clerk under the former city 8 clerk, Jackie Currie, and that was from right around 9 March 2005 through December 31st, 2005.</p> <p>10 Q. And prior to deputy city clerk what position did 11 you hold?</p> <p>12 A. I was manager over the registration division.</p> <p>13 Q. And from what period of time?</p> <p>14 A. 2002, from 2002 through 2005.</p> <p>15 Q. And prior to the manager position?</p> <p>16 A. Election specialist.</p> <p>17 Q. And what period of time?</p> <p>18 A. 1998 through 2002.</p> <p>19 Q. Prior to the election specialist position?</p> <p>20 A. Head clerk.</p> <p>21 Q. Head clerk?</p> <p>22 A. Uh-huh.</p> <p>23 Q. What period of time?</p> <p>24 A. Right around 19- -- approximately 1993.</p> <p>25 Q. Till about 1998?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. Till about 1998, yes. 2 Q. Have you ever held any partisan elected position? 3 A. No. 4 Q. What did you do to prepare -- 5 A. Well, I did. 6 Q. I'm sorry. 7 A. I did, I was precinct delegate, yeah, that is a 8 partisan elected position. 9 Q. When were you a precinct delegate? 10 A. That was probably -- let's see I started in '85, 11 so right around '88, 1988. 12 Q. Only the one election or for how many elections? 13 A. Just for two years. 14 Q. Just for two years? 15 A. Yeah. 16 Q. What party did you represent? 17 A. Republican party. 18 Q. What did you do to prepare for the deposition 19 today? 20 A. Just went over information associated with 21 elections, specifically in the city of Detroit, as well 22 as had a conversation with Ms. Gurewitz as well as 23 corporation counsel for the City of Detroit. 24 Q. I'm not going to ask you any questions about your 25 discussions with corporation counsel.</p>	<p style="text-align: right;">Page 12</p> <p>1 interaction was through my secretary in terms of 2 scheduling. My secretary apprised me of the 3 conversation with Ms. Gurewitz in terms of that there 4 was a lawsuit coming down the pipe associated with the 5 straight party voting and she wanted me to be a part of 6 the deposition. 7 And I communicated with -- and I was -- the 8 first deposition was scheduled prior to the primary 9 election and I expressed through my secretary that I 10 couldn't do that so we rescheduled for today. So the 11 first conversation that I've had with her about that was 12 yesterday, uh-huh. 13 Q. And what discussions did you -- what did you talk 14 about about the lawsuit yesterday? 15 A. Just we covered the deposition -- I mean the 16 declaration, and that the lawsuit was basically a 17 challenge against the straight party voting process, 18 uh-huh. 19 Q. Did you discuss the issues in this case with 20 Ms. Gurewitz? 21 A. No. 22 Q. Do you know what the issues in this case are? 23 A. No, what are the issues? 24 Q. Unfortunately I don't get to answer any 25 questions.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Sure. 2 Q. What did you talk about with Ms. Gurewitz? 3 A. Just basic information. We went over my 4 particular declaration to make sure that all of that 5 information was still true and accurate, and that was 6 basically it, uh-huh. 7 Q. At the risk of asking what sounds like an obvious 8 question, does all the information in your declaration 9 continue to be true and accurate? 10 A. Yes. 11 Q. Is there anything in the declaration that you 12 want to change? 13 A. No. 14 Q. Prior to -- putting aside the deposition for a 15 minute, what discussions have you had with Ms. Gurewitz 16 about this lawsuit? 17 A. Basically that -- well, really Ms. Gurewitz 18 called me probably around, let's see, August, the 19 election was August the 8th, so she probably called me 20 maybe 45 days prior to that and I was in the thick of an 21 election, in fact, I didn't have a conversation with 22 her, all the communications were through my secretary. 23 The first time I really discussed this 24 particular lawsuit with her was yesterday, the first 25 time I had a conversation with her. Most of the</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Oh, I'm sorry. I mean basically the issue is is 2 whether or not Michigan will be a straight party voting 3 state or whether or not individuals will have to vote 4 for the individual offices for every partisan general 5 election. 6 Q. Do you know if any other states have straight 7 party voting? 8 A. No. 9 Q. Prior to the draft -- how did it get to be that 10 this declaration was drafted? You mentioned a moment 11 ago that you hadn't had any direct conversation with 12 Ms. Gurewitz. 13 A. Uh-huh. 14 Q. So tell me about how this got written? 15 A. Well, this declaration -- well, we did have 16 conversations about the declaration, we did meet. I 17 thought that the lawsuit came as a result of the 18 declaration first and foremost. So we did meet prior to 19 that time and we talked about all of this and 20 Ms. Gurewitz crafted it and she submitted the final 21 document for my review. And upon my review I made 22 corrections and edited until we got to this final 23 document. 24 Q. Okay. So there were earlier drafts of this 25 declaration?</p>

<p style="text-align: right;">Page 26</p> <p>1 the validity of their registration, the voter is 2 assigned a voter number as well as ballot number in the 3 electronic poll book and afterwards they are issued 4 their particular ballot.</p> <p>5 Q. Okay, let me stop you there. Is the process that 6 you just outlined there, is that what would generally be 7 described as the check-in process?</p> <p>8 A. That's the check-in process, correct.</p> <p>9 Q. What if a voter doesn't have ID?</p> <p>10 A. If a voter does not have valid identification 11 then they fill out the affidavit of voter not in 12 possession of photo identification, and the same 13 standard applies to the processing of the voter that as 14 long as they are a registered voter they are processed 15 accordingly and provided a ballot so that they might be 16 able to cast their vote.</p> <p>17 Q. Does that process take longer than the other 18 pro- -- than the normal process?</p> <p>19 A. Yes, it does.</p> <p>20 Q. How much longer do you think?</p> <p>21 A. Maybe two, three minutes longer.</p> <p>22 Q. What happens if the check-in laptop malfunctions?</p> <p>23 A. If the check-in laptop malfunctions we have a 24 backup, which is the AVL, the active voter list, which 25 is basically a hard copy of the electronic poll book</p>	<p style="text-align: right;">Page 28</p> <p>1 et cetera, et cetera, et cetera, and they might be able 2 to cast their vote from that point by following the 3 instructions as prescribed by the AVA voting machine.</p> <p>4 Q. Is that machine also called an AutoMARK machine?</p> <p>5 A. It was an AutoMARK, but now we have a new voting 6 system, it's called the ICX Image Cast voting system, 7 uh-huh.</p> <p>8 Q. Is there anything else a person could do?</p> <p>9 A. Yes. The second option that the voter has is if 10 they are not comfortable with using the ADA voting 11 device then they might ask -- well, they have two 12 additional options. If they have a family member or 13 friend that they are comfortable with that person can 14 assist them, or they might be able to ask the poll 15 worker to provide assistance whereby two individuals 16 must report to the voting booth with the voter, verify, 17 one will read off the names and the offices of the 18 candidates whereby, the other individual -- and mark the 19 votes that the -- vote for the person that the voter 20 states that they'd like to vote for, while the second 21 person observes to make sure that the first poll worker 22 is doing exactly as the voter prescribes.</p> <p>23 Q. What happens if a voter has difficulty marking 24 the ballot, they can read the ballot but they have some 25 type of impairment that makes it difficult for them to</p>
<p style="text-align: right;">Page 27</p> <p>1 whereby the voter will still verify and -- verify and 2 authenticate the voter's registration and then process 3 them accordingly.</p> <p>4 Q. Does that process take longer than the normal 5 e-poll book process?</p> <p>6 A. Absolutely.</p> <p>7 Q. How much longer do you think?</p> <p>8 A. Probably about three or four minutes longer.</p> <p>9 Q. All right. Now, once the voter actually gets 10 their ballot how does that process work?</p> <p>11 A. Well, once the voter receives their ballot then 12 they are directed to the next available voting booth 13 where they go into the voting booth and cast their 14 ballot. They make their selections, and upon making 15 their selections they place their ballot in the secrecy 16 sleeve envelope and then they report to the ballot box 17 that they might be able to cast their vote.</p> <p>18 Q. So in the process of actually writing the ballot, 19 what happens if a voter can't read, if they are 20 illiterate?</p> <p>21 A. If a voter can't read they have several options. 22 The first option is is that they can use the ADA voter 23 assistive device whereby they might be able to use the 24 headphones and the headphones can articulate and express 25 the names of the candidates, the offices, the parties,</p>	<p style="text-align: right;">Page 29</p> <p>1 fill in the oval?</p> <p>2 A. Well, they still have the same options.</p> <p>3 Q. Same options?</p> <p>4 A. Uh-huh. They might be able to use the ADA voter 5 assistive device. And if they have an impairment there 6 is a sip and puff option on those systems whereby they 7 might be able to insert an orifice in their mouth and 8 cast their ballot from that standard. Or, again, if 9 they have family members they might ask the family 10 member to assist or the poll worker.</p> <p>11 Q. So now they've got a marked ballot in their hand 12 and they proceed to the tabulation?</p> <p>13 A. They proceed to the tabulator, correct.</p> <p>14 Q. How does that work?</p> <p>15 A. That works whereby the voter inserts their ballot 16 into the tabulator and then the machine reads the ballot 17 and then it accepts it or rejects it based upon whether 18 or not they overvoted or they inserted their ballot into 19 the wrong machine.</p> <p>20 Q. If the machine like jams up what happens then?</p> <p>21 A. If the machine jams up then the inspector is 22 responsible for resolving that particular issue by 23 removing the ballot, whereby they go into the actual 24 ballot box and reach in and pull it out. The new system 25 that we have is intelligent enough to express to the</p>

<p style="text-align: right;">Page 38</p> <p>1 A. I think so, sure. 2 Q. How many voting booths, you know, you understand 3 what I mean by booth? 4 A. Uh-huh. 5 Q. That's yes? 6 A. Yeah, I'm sorry. That's a first time, that's a 7 first time, first time. 8 Q. It will happen. We do it all the time. 9 A. Yes, yes. 10 Q. So how many voting booths do you have available 11 in your jurisdiction? 12 A. We probably have more than 20,000 voting booths 13 for our jurisdiction. 14 Q. And each polling location doesn't have the same 15 number of booths, right, some have more than others? 16 A. That is correct. 17 Q. And how many tabulators do you have available? 18 A. One per precinct. 19 Q. One per precinct. 20 A. Uh-huh. 490 for all of our precincts and then we 21 have extras, probably about 100 extra, so we probably 22 have, rounding up, 600. 23 Q. So if one tabulator has a complete meltdown you 24 can deploy and replace it? 25 A. Absolutely, uh-huh.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Anywhere from seven to maybe twelve minutes, 2 depending on the ballot. 3 Q. You may have been told this was coming. I'm 4 going to hand you now, and I apologize for the cutting 5 job, I was not able to figure out how to remove the 6 guide bar on the paper cutter so there's a little bit of 7 a -- 8 A. That's cool. 9 Q. -- deformation of the paper. 10 A. That's fine. 11 Q. But I'm going to hand you an official ballot for 12 Wayne County, City of Detroit, precinct three and I'm 13 going to ask you to fill this out, first of all, in a 14 straight party vote option. 15 A. Sure. 16 Q. And let me just tell you up front, I don't really 17 care how you fill this out, I'm not looking for some 18 insight into who you voted for. 19 A. Okay. 20 Q. I'm more interested in your actual physical 21 process of what you do with the ballot and how you vote 22 it. My colleague here is going to time you so as soon 23 as you're ready to begin let us know. 24 MS. GUREWITZ: And I will object that it's 25 irrelevant.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Prior to working as the director of elections did 2 you ever volunteer as a poll worker or election 3 inspector, as another term? 4 A. No. 5 Q. As the director of elections for the City of 6 Detroit what is your role on election day? 7 A. My role on election day is to monitor all 8 activities associated with the administration of the 9 election. That means to make sure that polling places 10 are open on time, making sure that all equipment is up 11 and running and functioning, making sure that all of our 12 precincts are properly manned, and then dealing with any 13 issues that impact the processing of voters on election 14 day by policing those through troubleshooters, area 15 supervisors, and the like. 16 And then, of course, providing information 17 associated with the election to interested parties, 18 whether or not it's the Democratic or the Republican 19 party, the media, interested citizen groups, 20 challengers. And then at the end of the night on 21 election night my responsibility is to make sure that 22 all results are reported in a timely and efficient 23 manner. 24 Q. What is the approximate time for voters in your 25 jurisdiction to complete a ballot?</p>	<p style="text-align: right;">Page 41</p> <p>1 MR. GRILL: That's fine. 2 THE WITNESS: Okay, I'm ready. 3 BY MR. GRILL: 4 Q. Okay, begin. Are you finished? 5 A. Done. 6 Q. Let the record reflect that it took you six 7 minutes and two seconds -- well, six minutes and 2.65 8 seconds to complete the ballot. I have a couple 9 questions for you. 10 A. Sure. 11 Q. First of all, I know my instruction to you is I 12 didn't care which party you voted for but I am curious 13 about something, you voted a straight ticket opting for 14 the natural law party. Why then did you not vote for 15 any office in the congressional district, representative 16 congress 14 district? 17 A. I just didn't. 18 Q. The same thing for representative of the state 19 legislature in the second district? 20 A. Uh-huh, I just didn't. 21 Q. And then trustee for the Michigan State 22 University, you selected no candidates? 23 A. That is correct. 24 Q. And the same thing for the prosecuting attorney 25 office?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. Correct.</p> <p>2 Q. And sheriff, clerk, treasurer, register of deeds,</p> <p>3 and county commissioner, also no choices?</p> <p>4 A. No choices.</p> <p>5 Q. By voting a straight ticket for natural law party</p> <p>6 and not choosing any of the other subsequent options,</p> <p>7 would you agree that that's an undervote?</p> <p>8 A. Uh-huh, sure, in certain offices, uh-huh.</p> <p>9 Q. Yes. Do you think it would take voters in</p> <p>10 Detroit about the same time to fill out the ballot as</p> <p>11 you took?</p> <p>12 A. No.</p> <p>13 Q. Why not?</p> <p>14 A. I'm probably a little bit more astute.</p> <p>15 Q. Not to put too fine of a point on it, but more</p> <p>16 astute than 50 percent, 70 percent? More astute than</p> <p>17 what percentage of the voters in Detroit?</p> <p>18 A. I believe 80 percent.</p> <p>19 Q. In your experience do voters arrive at the</p> <p>20 polling place all at the same time on election day?</p> <p>21 A. No.</p> <p>22 Q. So they tend to space out over the course of the</p> <p>23 day?</p> <p>24 A. Correct.</p> <p>25 Q. In your experience how often do voters require</p>	<p style="text-align: right;">Page 44</p> <p>1 A. We base it upon -- we rely heavily on the poll</p> <p>2 worker to make sure that each precinct is consistent</p> <p>3 with the flow and ergonomics of the polling place,</p> <p>4 meaning that typically we would like the processing</p> <p>5 table to be at the entrance of the building and then the</p> <p>6 actual tabulator to be closer to the exit as much as</p> <p>7 possible. However, because we have limited facilities</p> <p>8 available to us we have to kind of augment our polling</p> <p>9 place based upon the capacity of that particular</p> <p>10 facility.</p> <p>11 Q. Have you or the clerk's office generally</p> <p>12 partnered with any organizations to encourage voter</p> <p>13 participation or education?</p> <p>14 A. We have in the past. We've partnered with</p> <p>15 Detroit Public Schools, we've partnered with labor</p> <p>16 organizations, we've partnered with a number of</p> <p>17 churches, the ecumenical community and other</p> <p>18 organizations I'm sure I just can't think of right now.</p> <p>19 Q. What do these organizations do?</p> <p>20 A. For the most part the organizations provided us</p> <p>21 with access to their various events, be it a rally, be</p> <p>22 it a church service. They provided us with seating and</p> <p>23 that type of stuff. Nothing major.</p> <p>24 Q. Toward what end, what was the objective of</p> <p>25 partnering with these organizations; what were you</p>
<p style="text-align: right;">Page 43</p> <p>1 assistance marking ballots in your jurisdiction?</p> <p>2 A. Probably less than one percent of the time.</p> <p>3 Q. Do more, less, or about the same number of voters</p> <p>4 require some assistance in marking their ballots in</p> <p>5 primary elections compared to general elections?</p> <p>6 A. It's about the same.</p> <p>7 Q. How do you determine for each precinct the number</p> <p>8 of laptops at the check-in?</p> <p>9 A. There's one laptop per precinct.</p> <p>10 Q. And that was like we talked earlier?</p> <p>11 A. Yes.</p> <p>12 Q. Because of some issues with the technology?</p> <p>13 A. Yes.</p> <p>14 Q. How did you determine for each precinct the</p> <p>15 number of voting booths?</p> <p>16 A. We base it upon the state standard. I forget</p> <p>17 what that number is, but we make sure that we</p> <p>18 have -- that is the standard, but we always provide</p> <p>19 additional voting booths for each precinct. I forget</p> <p>20 what that number is. It's one voting booth -- I believe</p> <p>21 it's one voting booth for every 300 voters, but we</p> <p>22 always make sure that we have additional, more than</p> <p>23 that, uh-huh.</p> <p>24 Q. How do you determine for each precinct the layout</p> <p>25 of the polling place?</p>	<p style="text-align: right;">Page 45</p> <p>1 trying to do?</p> <p>2 A. Well, one was to register voters. The other was</p> <p>3 voter education in terms of different issues that impact</p> <p>4 voters, for instance, in 2006 when photo identification</p> <p>5 was first implemented in the City of Detroit we were all</p> <p>6 over the city kind of articulating the importance of</p> <p>7 photo identification, so that was the thrust at that</p> <p>8 particular time.</p> <p>9 In 2012 when we first encountered two</p> <p>10 ballots we were all over the city kind of educating</p> <p>11 voters in all types of venues and again registering</p> <p>12 voters. So those are the type of objectives that we've</p> <p>13 had in terms of voter registration and voter education.</p> <p>14 Q. With the kind of large goal and objective of</p> <p>15 getting more people registered and more people</p> <p>16 participating?</p> <p>17 A. Nope, having people informed was the most</p> <p>18 important piece. Prior to 1993, before the national</p> <p>19 Voter Registration Act, roughly 14 days outside of the</p> <p>20 election the department used to have a voter</p> <p>21 registration drive with that goal and objective in mind</p> <p>22 to provide services for Detroiters to make sure that</p> <p>23 every person who qualified was registered to vote. So</p> <p>24 we would have staff go out to the Farmer Jack's, the</p> <p>25 post offices, the MESC offices, and register folk.</p>

1 so as you can see with the number 490 we've almost
 2 reduced our precinct population to half because of the
 3 reduction of citizens who live in the City of Detroit.

4 However, each precinct, when it is
 5 consolidated or redistricted after each census, we base
 6 it upon population information. The law provides that
 7 in order -- a precinct cannot have more than 2,999
 8 registered voters. We have two precincts that exceed
 9 2,000 registered voters, but for the most part we try to
 10 stay within a median of 1500 as to not to cause a high
 11 volume in terms of voters going to the precinct on
 12 election day. We like to try as much as possible to
 13 keep our precinct population or precinct engagement
 14 population on election day under 1,000, it's easier to
 15 manage that way.

16 Q. So keeping the precincts below 1,000 helps keep
 17 the lines down; is that fair to say?

18 A. It helps, yes.

19 Q. Now, when you've got some of the larger precincts
 20 that have more than 2,000 people could you split them
 21 into two 1,000 person precincts?

22 A. Sure, uh-huh.

23 Q. How does that process work; what do you have to
 24 do to do that?

25 A. Well, I think that there is a deadline that you

1 have to adhere to in terms of splitting out the
 2 precinct, it might be in March prior to any federal
 3 election, federal primary election. And basically what
 4 you have to do is identify the political composition
 5 within that precinct to make sure that you don't violate
 6 any type of legislative boundary lines, and once you do
 7 that, once you identify that and there are no problems,
 8 you just split the precinct out, pick a street, go down
 9 it, and try to balance it.

10 So if you have 2,000 registered voters you
 11 try to have 1,000 in one precinct and 1,000 in another.
 12 And then after that we submit that change to the
 13 election commission for their review and approval. And
 14 if they approve it, then we notify the State Bureau of
 15 Elections of the change and then we notify the voter by
 16 mailing them new identification cards.

17 Q. In terms of process, is that a difficult process?

18 A. I mean, you know, no.

19 Q. Does the City of Detroit also redistrict any
 20 precincts, I mean move them from -- the precinct stays
 21 the same size but they kind of move the geographic
 22 boundaries?

23 A. The city doesn't.

24 Q. Okay.

25 A. The legislative bodies do that after the census.

1 And after the census they kind of send us their lines,
 2 their boundary lines, and then we overlay it over the
 3 existing precincts to find out if there are any
 4 violations that need to be augmented for the
 5 upcoming -- for the forthcoming ten years. Once those
 6 lines are identified, then, you know, basically what we
 7 do is we try to as much as possible keep those precincts
 8 balanced out in terms of population. Basically the same
 9 way I explained to you how we would split a precinct to
 10 make sure that all political compositions are consistent
 11 within that particular precinct.

12 What do I mean by political compositions?

13 Your state reps, state senate, community college, city
 14 council district, police commission district, every
 15 person that lives within that particular precinct has to
 16 have the same representation. And as long as that
 17 standard is met, then we're good to go in terms of
 18 setting those precincts.

19 We have had instances where -- in certain
 20 instances where we have precincts where we have two
 21 registered voters because when you draw the boundary
 22 lines for all the legislative districts it may -- the
 23 state representative district may go up one block and
 24 then two blocks down, the state senate district might
 25 travel through a street and then on this block you might

1 have a community college district that travels north,
 2 and then you have a school board district that follows
 3 south, I know we don't have school board districts now
 4 but just as an example.

5 And then what happens is is those
 6 legislative lines create this anomaly where there's only
 7 two registered voters in that particular precinct.

8 Q. And that precinct still has to have a voting
 9 booth and a tabulator?

10 A. It does, yes, it does, absolutely.

11 Q. Have you ever moved polling places to larger
 12 facilities in the City of Detroit?

13 A. It's been a long time.

14 Q. It's been a while?

15 A. Yeah, it's been a long time. I think that one of
 16 the biggest challenges that the City of Detroit
 17 experiences is that we're an old city, we have old
 18 buildings. You know, when the bottom fell out right
 19 around 2004, 2005, we had a lot of churches that closed,
 20 we had a lot of schools that closed -- well, beginning
 21 even before -- well, yeah, right around then they began
 22 to close, and as such our ability to identify
 23 newly -- new polling places has been restricted
 24 considerably. So we don't have that luxury oftentimes
 25 to find bigger facilities in the City of Detroit

<p style="text-align: right;">Page 86</p> <p>1 A. Correct. 2 Q. And precinct 490 -- I'm not lucky. 3 A. It's not in that first column. 4 Q. Nope, it's going to take me an extra second to 5 find here. So precinct 490 is located at the J.R. King 6 School, which it shares with precincts 252, 253, 318, 7 and 380? 8 A. Uh-huh, yes. 9 Q. It's at the corner of -- south of Puritan, west 10 of Schaefer? 11 A. Yes. 12 Q. So is that -- by indicating that this is a 13 school, do you know anything about that voting location; 14 is that a gymnasium or would that be a cafeteria? 15 A. Typically we try to -- when we use schools we try 16 to use either the gymnasium or the cafeteria. 17 Q. All right. And since precinct 490 shares the 18 space with other precincts, just so that the record is 19 clear, precinct 252 has ten booths, precinct 253 has ten 20 booths, precinct 318 has ten booths, and precinct 380 21 has twelve booths. So there are 44 booths at that 22 precinct location? 23 A. Yes. 24 Q. Or that polling location? 25 A. Yes.</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Right. 2 Q. And then looking then at Deposition Exhibit 5, 3 precinct 105 has six voters, so a total of seven booths 4 for a total of 423 voters? 5 A. Yes. 6 Q. How many of these -- do you happen to know how 7 many of the precincts here that we're describing have 8 fewer than 500 voters? 9 A. No, I don't. 10 Q. Would you have any reason to disagree with me if 11 I represented to you that of the precincts here there 12 were 31 precincts with fewer than 200 voters? 13 A. I can believe that, yes. 14 Q. That there were 23 precincts with fewer than 100 15 voters? 16 A. I agree. 17 Q. 19 precincts with fewer than 50 voters? 18 A. I can agree with that. 19 Q. Nine precincts with fewer than 20 voters? 20 A. I can agree with that. 21 Q. Four precincts with fewer than ten? 22 A. I can agree with that. 23 Q. That there were three precincts with greater than 24 2,000? 25 A. I can agree with that, yes.</p>
<p style="text-align: right;">Page 87</p> <p>1 Q. And then on page, let's see, on page four again 2 about halfway down the page precinct 90 has 18 voters 3 active and inactive? 4 A. Page four? 5 Q. Yes. 6 A. 18 voters, correct. 7 Q. And the same page four, precinct 101, which would 8 be ward three, so 03101, 63 voters? 9 A. Yes. 10 Q. Precinct -- page five, ward/precinct 04011 has 11 139 voters? 12 A. Correct. 13 Q. The same page, ward/precinct 04035 has 581 14 voters? 15 A. Yes. 16 Q. On page six, ward/precinct 04109, four voters? 17 A. Correct. 18 Q. According to Deposition Exhibit 5 that precinct 19 with four voters has one booth? 20 A. Yes. 21 Q. According to Deposition Exhibit Number 4 that 22 precinct with four voters shares space at the Refuge 23 Cathedral with precinct 105, which looks to be just 24 above on the same page six, ward/precinct 04105, which 25 has 419 voters?</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. And 314 precincts with greater than 1,000 voters? 2 A. I can concur. 3 Q. You were talking earlier about some of the 4 efforts you've taken to reduce the size of precincts in 5 order to help control some lines? 6 A. Uh-huh. 7 Q. Yes? 8 A. Yes. 9 Q. Tell me more about those efforts, what is 10 involved with that? What do you have to do to do that? 11 A. To reduce a precinct? 12 Q. Right. To take it from -- I guess is it just 13 splitting off precincts and creating new ones or do you 14 take like a larger area and focus it down smaller? 15 A. Yeah, what you have to -- you have to -- again, 16 you have to create an overlay of all of the legislative 17 boundary lines that run through the City of Detroit. 18 Once you create that overlay then you can clearly see 19 what precincts you can split out. So typically like 20 right now all of the precincts that are established, 21 there are no legislative boundary lines that run through 22 a particular precinct in the City of Detroit because 23 we've already done that work. 24 So in order to split a precinct out, an 25 existing precinct out, all that is really required is,</p>

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<p>1 as I stated before, is to identify -- identify the 2 precinct, identify where that boundary line will be 3 drawn in order to adequately balance out those two 4 precincts to make sure that if there's 2,000 voters then 5 1,000 goes on one side and 1,000 goes -- 1,000 goes into 6 precinct number one and 1,000 goes into precinct number 7 two.</p> <p>8 Once that is then done then it's submitted 9 to the election commission, submitted to the State 10 Bureau of Elections, and then we notify the voter of the 11 change.</p> <p>12 Q. How many precincts have you split or shrunk in 13 that fashion?</p> <p>14 A. We haven't --</p> <p>15 Q. I'll give you a period of time, let's say in the 16 last four years?</p> <p>17 A. We have not. Yeah, we have not split any 18 precincts out with the exception of the one that I 19 mentioned earlier. We had 489, now we have 490 because 20 we discovered that there was a state senate boundary 21 line that ran through that particular precinct. It 22 didn't impact one election because state senate runs 23 every four years so we were able to kind of deal with 24 that for three years, but in the fourth year we had to 25 split that line so that when that state senate election</p>	<p>1 so. 2 But that's what we've done over the years to 3 try to balance out precincts and reduce the population. 4 But we have not at any point in time split out precincts 5 to balance out or reduce populations.</p> <p>6 Q. Did you attend a conference in the City of 7 Chicago in May 2016 with the bipartisan policy center?</p> <p>8 A. Yes, I believe I did.</p> <p>9 Q. Do you recall Janice Winfrey making some 10 statement at that conference to the effect that they 11 were decreasing the precinct size to below 1,000 to 12 mitigate lines?</p> <p>13 A. Decreasing the precinct size. And that was when?</p> <p>14 Q. In May of 2016.</p> <p>15 A. I can't say that she did or didn't. I can't 16 recall. However, that was -- at that time it was 17 impossible to do that because the deadline in order to 18 decrease or split precincts or redistrict precincts had 19 already passed.</p> <p>20 Q. Right. They had been frozen in January of 2016?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Has anything occurred after the 2016 election by 23 way in precinct sizes for the reducing precincts?</p> <p>24 A. No, but there is a plan.</p> <p>25 Q. Tell me about the plan.</p>
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<p>1 came up voters would vote for their proper state 2 senator. But probably I could even venture to say that 3 in the past 35 years -- 30 years we have not split a 4 large number of precincts because of, again, the 5 shrinking population of the city.</p> <p>6 Q. And maybe there's been some terminology maybe I'm 7 tripping up on here. Other than splitting I mean is 8 there any other specific effort that you or the City of 9 Detroit clerk have undertaken to reduce the size of 10 precincts?</p> <p>11 A. The only thing that we've done, and I 12 think -- the only thing that we've done is in 13 2000- -- in 2002 when we had the opportunity -- this was 14 before the current city clerk, but in 2002 what we did 15 do is when we did the redistricting we balanced out 16 precincts to make sure that we had a minority of 17 precincts that exceeded 2,000.</p> <p>18 Now, we did again -- this is 2008. In 2007, 19 in preparation for the 2008 presidential election, we 20 reduced the precinct population and in that reduction 21 that's when we focused on making sure that the vast 22 majority of our precincts reached the median of 1500 and 23 as much as possible trying to stay under that number 24 when the legislative boundaries allowed us to. So we 25 went from I think it was 669 precincts to I think 589 or</p>	<p>1 A. Well, we just have three precincts that we're 2 focusing on, those three that exceed 2,000. Those 3 precincts I think it's -- what's the name of that place, 4 Rosa Parks -- not Rosa Parks, Rosedale Park Community 5 Center and Coleman A. Young Recreation Center, those are 6 our precincts with the highest turnout that we are 7 looking at to split in order to reduce that population 8 and the charge associated to voters attending the polls 9 on election day.</p> <p>10 Q. The charge associated to voters?</p> <p>11 A. The charge associated of the population of voters 12 going to the polls on election day, attending polls on 13 election day. Typically those two polling places, the 14 population of voters almost always during presidential 15 elections exceed 1,000.</p> <p>16 Q. So if you reduce the precinct size you reduce the 17 number of people showing up at the same place?</p> <p>18 A. Correct.</p> <p>19 Q. Did you participate in the bipartisan policy 20 center request to document how many voters were in line 21 at the top of each hour during the November 2016 22 election?</p> <p>23 A. No, we didn't participate.</p> <p>24 Q. Turning back to the declaration.</p> <p>25 A. Yes, sir.</p>

<p style="text-align: right;">Page 94</p> <p>1 Q. Let's take a look at paragraph -- I can skip over 2 that. I'll ask it anyway again, bearing in mind my 3 obligation sometimes to ask what are now obvious 4 questions, paragraph seven you talk about 490 precincts 5 in 187 polling locations. Why are there fewer polling 6 locations than precincts?</p> <p>7 A. Because of the availability of facilities to 8 house our precincts in. It's very difficult -- as I 9 stated before, it's very difficult to identify 10 facilities to place polling precincts in. Since the 11 mass exodus of population in the City of Detroit many 12 buildings have closed, schools, churches, recreation 13 centers, and other buildings that we typically use have 14 closed and as such it is very difficult to find polling 15 locations.</p> <p>16 That's probably one of our biggest struggles 17 leading up to elections. What occurs is is that before 18 every election, whether it's a primary or general 19 election, we are notified by a polling place that they 20 don't want us in their facility any longer. In fact, we 21 were notified by I forget the name of the church two 22 weeks before this election, before the municipal 23 election, municipal primary election, we were notified 24 two weeks prior to that that they are having a big 25 conference and they didn't know that it conflicted with</p>	<p style="text-align: right;">Page 96</p> <p>1 at polling locations? 2 A. Multiple precincts at polling locations, yes. 3 Q. Part of the example you gave was when you were -- 4 this one particular precinct where, you know, the church 5 kicked you out, you had to move them around. 6 A. Yes. 7 Q. What effort -- you talked about notifying voters; 8 how did you notify voters of that change? 9 A. The first thing that we did was the moment that 10 we -- the moment that we were notified we took about two 11 or three days to try to find a new facility. Upon not 12 being able to find it, locate a new facility, then we 13 used one of our existing polling places. And once we 14 finalized that we sent a letter to the voter notifying 15 them that their polling location had been temporarily 16 changed. 17 And then after that letter, we sent that on 18 maybe ten days before the election, and then about six 19 days prior to the election we mailed them a new voter 20 identification card -- a new voter registration card 21 along with a little blurb restating the fact that their 22 polling location had been changed due to the facility 23 notifying us at the last minute that the change 24 occurred. 25 Q. And you mentioned you had a worker outside the</p>
<p style="text-align: right;">Page 95</p> <p>1 our election, however, they cannot accommodate us. 2 So we had more than 2,000 voters that were 3 inconvenienced as a result of them placing us -- putting 4 them out of their particular polling place two weeks 5 prior to the election. So we had to send all of those 6 voters to another polling location because we couldn't 7 find a facility, an open facility available, so we had 8 to consolidate those additional two precincts that was 9 housed in that polling location into a polling location 10 that already had four precincts. 11 So that's the struggle that we deal with. 12 Even within those two weeks while we did our due 13 diligence to try to find something that was 14 accommodating, we couldn't locate it. And there were 15 buildings available in that area but they said, no, you 16 can't use us. 17 So that's one of our biggest struggles here 18 in the City of Detroit. Voters were notified of the 19 change. We had somebody standing at that polling place 20 to let any voters who didn't get the notice know that 21 they had to go to the other polling place, but, again, 22 that's our struggle. 23 Q. So the reason there are fewer polling locations 24 than precincts is kind of what we have Deposition 4 25 reflecting, which is that there are multiple precincts</p>	<p style="text-align: right;">Page 97</p> <p>1 old location? 2 A. Yup. 3 Q. Pointing them to the new location? 4 A. That's correct, uh-huh. 5 Q. Could you do something similar for the 6 elimination of straight party voting? 7 A. To what degree? 8 Q. Like sticking -- park someone outside the 9 building, letting people know straight party voting 10 doesn't exist anymore? 11 A. Oh, sure, we could do that. 12 Q. Could you send them a mailing notice like you did 13 for the moving of the polling location? 14 A. Yes. 15 Q. Paragraph nine of your declaration, let's see, a 16 couple of questions here. And I know you've already 17 touched on some of them and I don't mean to be 18 redundant, I just want to make sure I cover the areas I 19 meant to cover today. You talked about the closing of 20 schools and rec centers. Do you have a number of how 21 many schools and rec centers are closed? 22 A. I would have to compile that, uh-huh. 23 Q. That's not something you guys have, right? 24 A. No. 25 Q. And, similarly, you wouldn't know how many</p>

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<p>1 change. We didn't just send just a regular voter 2 registration card.</p> <p>3 Q. Were those more effective, that those notices get 4 noticed?</p> <p>5 A. Oh, absolutely, absolutely.</p> <p>6 Q. Have you also explored any different ways to send 7 out the notice rather than just a postcard, other ways 8 of delivering that information to the voters?</p> <p>9 A. No.</p> <p>10 Q. What about billboards?</p> <p>11 A. Oh, yeah, now, we have done -- we have used 12 billboards. For instance, when photo identification was 13 implemented in 2006 we had billboards articulating be 14 prepared for photo -- to present photo identification. 15 And, again, with the voter ID cards for the changes I 16 think we did some radio and other types of advertising.</p> <p>17 Q. Could you also do a billboard or a radio ad 18 advising voters of the elimination of straight party 19 voting?</p> <p>20 A. Yes.</p> <p>21 Q. Paragraph 12 you describe the general election 22 ballot is always very long.</p> <p>23 A. Uh-huh, yes.</p> <p>24 Q. What do you mean by long? What are you comparing 25 it to.</p>	<p>1 me which of the offices on this ballot should the voters 2 not elect?</p> <p>3 A. Pardon me?</p> <p>4 Q. So we've got the list here of partisan offices 5 and non-partisan offices. Which of these offices should 6 the voters not elect?</p> <p>7 A. Not elect?</p> <p>8 Q. Right. Are there any offices that they shouldn't 9 be voting on? Like should -- when you say the general 10 election ballot is long, are you saying that the voters 11 should not elect the regents of the University of 12 Michigan?</p> <p>13 A. No, I'm not saying that, they should -- they 14 should vote whichever part of that ballot that they 15 choose to vote for.</p> <p>16 Q. Okay. So it's not that -- when you say that the 17 ballot is long, it's not that they are voting for 18 offices that they shouldn't vote for or shouldn't have 19 to vote for?</p> <p>20 A. That is correct, uh-huh.</p> <p>21 Q. So if there are no offices that shouldn't be on 22 the ballot what would you do if you had the power to 23 make it so to shorten the ballot?</p> <p>24 A. That's a good question. This is what I would do.</p> <p>25 Q. Okay.</p>
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<p>1 A. I'm comparing it to any other ballot that is used 2 for other elections, whether it's a municipal 3 election -- for instance, this year, I mean this 4 election has -- municipal election ballot has for the 5 most part four offices to be elected. It's a one page, 6 one sided ballot, very small. In some instances there 7 may be five offices because we have a special election, 8 a state representative of district number five, so those 9 folk who fall into that boundary will be impacted and 10 will receive a ballot that has five offices on it, but 11 for the most part they'll have four.</p> <p>12 For gubernatorial elections, those ballots 13 are typically two sided ballots, it's not much of a 14 challenge in terms of administering that piece. But 15 when you come to presidential elections, in 2012 we had 16 a three page ballot and in 2016 we had a three page 17 ballot. And that was because there were more offices 18 and proposals that were on those particular ballots 19 versus mayoral and gubernatorial elections.</p> <p>20 Q. So when you say the ballot is long, you're 21 comparing the general election ballot to municipal 22 election ballots?</p> <p>23 A. Yes, municipal and gubernatorial.</p> <p>24 Q. So if you look at Deposition Exhibit 3, which was 25 the official ballot from the 2016 election, can you tell</p>	<p>1 A. If I had the power what I would do is, and this 2 would definitely reduce the size of the ballot for the 3 general election, I would change the law and I would 4 make it so that any candidate in the primary election 5 who received a majority of the votes would not have to 6 run in the general election and that they would just be 7 elected in the primary election. So that in and of 8 itself would reduce the size of the general election 9 ballot.</p> <p>10 Q. Okay.</p> <p>11 A. I think that that in and of itself would 12 definitely help not just in presidential elections, but 13 in every election, whether it's gubernatorial, 14 municipal, presidential, whatever, I think that that 15 would help.</p> <p>16 Q. In paragraph 14 of your declaration you talk 17 about voting is made easier by straight party voting.</p> <p>18 A. Yes.</p> <p>19 Q. What is that statement based upon?</p> <p>20 A. It's based upon -- I think it's based upon 21 options. Meaning that some people -- we have some 22 voters who are devout Democrats, some voters who are 23 devout Republicans, some voters who are independent, and 24 I think that for those folk who vote straight party 25 lines, for those -- it's easier for them whereby when</p>

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<p>1 Q. Although the voter can also cast a straight party 2 vote but override -- 3 A. I'm sorry. Yes, that's a split ticket. 4 Q. That's a split ticket? 5 A. Yes. And what's your question again? 6 Q. What did override mean? 7 A. To split the ticket. 8 Q. To split the ticket, okay. 9 A. Yeah. 10 Q. In your position you have the opportunity to see 11 a lot of marked ballots; is that fair to say? 12 A. Yes. 13 Q. In your experience is it common or uncommon for a 14 voter to override a straight party vote in that manner? 15 A. I cannot really say. 16 Q. One way or the other? 17 A. One way or the other. 18 Q. In your experience do voters generally know that 19 they can override a straight party vote? 20 A. I can't say. It doesn't come up that often. 21 Q. Where and how is it explained to voters that they 22 can override a straight party vote? 23 A. It is explained on the secrecy sleeve. 24 Q. Anywhere else? 25 A. On the sample ballot that we mail out to every</p>	<p>1 good, yeah. And I think that it kind of goes back to 2 what you were saying in terms of quicker and faster is 3 not always necessarily the most important emphasis in 4 terms of the election. 5 Q. Let's go on to paragraph 15, actually turn the 6 page. You write that voters in Michigan have always 7 been able to use the straight party voting option. What 8 is that statement based upon? 9 A. Historical and maybe not always but I know in my 10 lifetime and most people who sit -- who's in this room's 11 lifetime they've always had that option. And I think 12 historically probably since the late 1800s people had 13 the opportunity to engage in that. 14 Q. Earlier when we talked a little bit about the 15 historical history in this you weren't able to tell me. 16 Have you looked it up since then when straight party 17 voting was introduced in Michigan? 18 A. It probably was a fog, then. 19 Q. A what? 20 A. A fog. 21 Q. Oh, a memory fog? 22 A. Yeah, a memory fog. 23 Q. So some time in the late 1800s -- 24 A. Late 1800s, yeah. 25 Q. -- is when straight party voting would have been</p>
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<p>1 voter. 2 Q. Could you use the same method of explaining to 3 explain the absence of straight party voting? 4 A. Yes. 5 Q. Does it take longer for a voter to fill out a 6 ballot if they override a straight party vote? 7 A. Does it take longer for a voter to -- 8 Q. To fill out a ballot if they override a straight 9 party vote? 10 A. Yes. 11 Q. That could increase the time it takes them to 12 vote, correct? 13 A. Correct. 14 Q. That could increase lines? 15 A. Yes. 16 Q. Should the override option be eliminated in order 17 to avoid voters leaving the line or being turned away? 18 A. No. 19 Q. Why not? 20 A. Because I think it's a viable option. We're 21 talking about the override over vote, not override -- 22 Q. What I'm saying -- right, so if overriding a vote 23 takes longer and could increase lines why shouldn't that 24 option be eliminated? 25 A. Because it's an option. I think that options are</p>	<p>1 introduced in Michigan? 2 A. Yeah. 3 Q. Do you know what was the purpose at the time that 4 straight party voting was introduced? 5 A. Now, that I can't tell you. 6 MS. GUREWITZ: Objection, irrelevant. 7 THE WITNESS: That I can't tell you. 8 BY MR. GRILL: 9 Q. Do you know if it was intended as a time saving 10 measure? 11 A. Again, I don't know. 12 Q. Paragraph 16, in Detroit -- you write in 13 paragraph 16 of your declaration that in Detroit 18 or 14 19 partisan offices are on the ballot plus 37 15 non-partisan. Now, straight party voting does not 16 affect the non-partisan offices; is that correct? 17 A. That is correct. 18 Q. So regardless of whether they are straight party 19 voting or not, voters in Detroit are going to have to 20 fill in at least 37 ovals? 21 A. Yes. 22 Q. Why are there so many offices on the general 23 election ballot in November? Were they always on the 24 same ballot or were they ever split out? 25 A. I think that that is Michigan election law that</p>

<p style="text-align: right;">Page 122</p> <p>1 A. Which in and of itself would, using deductive 2 logic, you would assume -- you could confidently assume 3 that the majority of the folk who voted at the polls on 4 election day are African American.</p> <p>5 Q. Is that in terms of like the people that are 6 coming out to vote in Detroit? I guess what the 7 question was was do you know whether or not its 8 popularity is based on a --</p> <p>9 A. Can I take this call, it's my boss?</p> <p>10 MR. GRILL: Okay, go ahead. We'll go off 11 the record.</p> <p>12 (A recess was taken.)</p> <p>13 BY MR. GRILL:</p> <p>14 Q. Let's pick up where we left off and see if we can 15 make up some ground here. So right before the 16 interruption we were talking about the popularity of 17 straight party voting. And I guess I think you were 18 talking about the idea that because the population of 19 the City of Detroit is majority African American that, 20 therefore, you can infer that it is more popular -- the 21 straight party voting option is more popular with 22 African Americans; is that a general summary of where we 23 left off?</p> <p>24 A. Yes, in the city, yes, in particular.</p> <p>25 Q. And what my question really is getting after is</p>	<p style="text-align: right;">Page 124</p> <p>1 problems are you describing there, and be as specific as 2 possible?</p> <p>3 A. I think that, as stated before, many folk when 4 they go to the polls on election day, particularly for 5 presidential elections, they haven't been since the last 6 presidential election. For instance, gubernatorial 7 elections typically represent about anywhere from 38 to 8 42 percent of the voting population, whereas municipal 9 elections represent maybe 20 to 25 percent of the voting 10 population who go out and actually engage in the 11 process.</p> <p>12 And I believe that of that number you have 13 about nine to ten percent of those folk who vote in 14 presidential elections who don't vote in either mayoral 15 or gubernatorial elections. So that population in and 16 of itself speaks to the fact that they don't engage in 17 local politics or state politics and as such there is a 18 propensity for those folk to probably be unaware of any 19 type of changes that will impact them on election day.</p> <p>20 Not even -- not just those folk but most 21 folk who go to the polls and vote, they expect things to 22 be the way they typically are. So when they receive 23 that ballot without the straight party vote I'm just 24 concerned that many of those folk will make assumptions. 25 They may not even ask questions in terms of casting</p>
<p style="text-align: right;">Page 123</p> <p>1 not so much the numbers of people but do you have any 2 basis to believe that active straight party voting is 3 more pleasing or preferable to people on the basis of 4 their race?</p> <p>5 A. For the City of Detroit I would, yes.</p> <p>6 Q. What is it about a person's race that makes them 7 more or less likely to be a straight party voter?</p> <p>8 A. Oh, no, no, no, not race, but just preference.</p> <p>9 Q. Okay.</p> <p>10 A. Or who it benefits at this particular time.</p> <p>11 Q. Right.</p> <p>12 A. Based upon population and voter turnout we can 13 assume that the majority of the folk who vote in the 14 City of Detroit are African American based upon census 15 data. And as such we can also assume of those numbers 16 of individuals who vote straight party voting a great 17 portion of them are African Americans, that was my 18 point. But I don't think that there's nothing 19 instinctive, intuitive that would drive an African 20 American to vote straight party versus a white person.</p> <p>21 Q. I think we agree on that, I just wanted to make 22 sure I understood correctly. Okay, moving on to 23 paragraph 23, you describe that the elimination of 24 straight party voting, particularly in a presidential 25 election year, will create very serious problems. What</p>	<p style="text-align: right;">Page 125</p> <p>1 their ballots.</p> <p>2 For instance, a wayward voter may have the 3 mindset that if they just vote exclusively for the 4 president of the United States that that may very well 5 be their straight party vote. Many voters will come to 6 the precinct on election day looking for the straight 7 party ballot cast -- well, the straight party vote, and 8 as a result of it get frustrated in terms of that 9 particular process or that particular change and may not 10 vote their ballot in an adequate fashion.</p> <p>11 Something else that may occur is that, you 12 know, our poll workers may deal with the brunt of that 13 frustration, which will make their day a lot more taxing 14 in terms of the processing of voters. I think that the 15 educational process in terms of billboards and 16 newsletters, television and radio certainly has this 17 ability to fill the gap in terms of those individuals 18 who engage in those forms of media.</p> <p>19 However, I just believe that, particularly 20 for the City of Detroit, you have a great portion of 21 individuals who engage in the voting process for 22 presidential elections who just know that election day 23 is coming and that a particular individual is on the 24 ballot or individuals are on the ballot that they'd like 25 to engage and they will not be aware on election day</p>

<p style="text-align: right;">Page 126</p> <p>1 when they go and vote. And as a result I think that the 2 administrative process will have -- will be impacted as 3 a result of that, negatively impacted.</p> <p>4 Q. Okay. So voter confusion, questions at the 5 polling place will have an effect?</p> <p>6 A. Yes.</p> <p>7 Q. Any other problems you can think of?</p> <p>8 A. Yes. I think that it will definitely create 9 longer lines on election day.</p> <p>10 Q. Okay.</p> <p>11 A. Yes.</p> <p>12 Q. In fact, you write in paragraph 23 of your 13 declaration that the sig- -- that it will significantly 14 increase lines in the polling places; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. In fact, what you're saying is an increase in the 17 amount of time it takes to mark the ballot will 18 significantly increase lines in the polling places. 19 What is that statement based upon?</p> <p>20 A. It's just based upon the fact that if I 21 have -- if there are 60 positions on the ballot and 30 22 of those positions are represented in the partisan 23 section of the ballot and one of my options is to vote 24 straight party, then that's going to cut my time in half 25 obviously, if I vote straight party in terms of casting</p>	<p style="text-align: right;">Page 128</p> <p>1 A. I don't know if they later returned. 2 Q. And, again, so that is based upon your 3 observations, not some study, not an academic approach 4 or anything?</p> <p>5 A. That's correct.</p> <p>6 Q. Did longer lines deter people from voting in 7 2016?</p> <p>8 A. I believe so. I don't have any factual 9 information or data to say that, but I believe so.</p> <p>10 Q. Were there long lines in the City of Detroit in 11 the November 2016 election?</p> <p>12 A. Yes.</p> <p>13 Q. Was turnout down in the November 2016 election?</p> <p>14 A. Yes.</p> <p>15 Q. In what number?</p> <p>16 A. By two percent.</p> <p>17 Q. From the 2014 or 2012 election?</p> <p>18 A. From the 2012 presidential election.</p> <p>19 Q. What about the 2014 election?</p> <p>20 A. I'm sure it was higher.</p> <p>21 Q. That turnout was higher?</p> <p>22 A. 2016 was higher than 2014, I just don't know the 23 number.</p> <p>24 Q. And what about the 2010 election?</p> <p>25 A. I'm sure that 2016 was higher than 2010.</p>
<p style="text-align: right;">Page 127</p> <p>1 my ballot, I mean that's logic. 2 However, if I don't have that option, then 3 if it took me six minutes to vote a ballot with straight 4 party voting then it's definitely going to increase the 5 time it's going to take me to cast that ballot, it may 6 not be twice as much in terms of time, but it's 7 definitely going to be a significant increase in terms 8 of the time to cast my ballot.</p> <p>9 Q. Okay. Were you basing this on any particular 10 academic study, model, program?</p> <p>11 A. Nope, I just based it on logic.</p> <p>12 Q. You also write in paragraph 23 that longer lines 13 deter voters; what is that statement based upon?</p> <p>14 A. Experience.</p> <p>15 Q. What experience do you have showing that longer 16 lines deter voters?</p> <p>17 A. I've seen it on election day. I've been to the 18 precinct and those voters who -- I've been to various 19 precincts and I've seen voters who have come to the line 20 to discover that that is indeed their line that they 21 have to stand in in order to engage in voting in this 22 particular election, and I've seen them walk away.</p> <p>23 Q. Do you know if they later returned?</p> <p>24 A. No.</p> <p>25 Q. They did not return or you don't know?</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. And, of course, 2012, that was when President 2 Obama was elected, right?</p> <p>3 A. Yes.</p> <p>4 Q. Would you be prepared or willing to stipulate 5 that President Obama was a more popular figure than 6 either of the candidates on the election in 2016?</p> <p>7 A. I would say he was, yeah.</p> <p>8 Q. So to some extent the candidates themselves have 9 an effect on turnout?</p> <p>10 A. Absolutely.</p> <p>11 Q. Do you happen to know what the actual turnout 12 percentage was in the November 2016 election for the 13 City of Detroit?</p> <p>14 A. 48, a little -- close to 49 percent.</p> <p>15 Q. And do you yet have the numbers on the total 16 votes versus absentee votes in the November 2016 17 election?</p> <p>18 A. Yes, we have that.</p> <p>19 Q. Handy?</p> <p>20 A. Handy.</p> <p>21 Q. Do you have that figure handy somewhere?</p> <p>22 A. Yeah, it's downstairs.</p> <p>23 Q. Okay. Before we end -- before the deposition is 24 over if we could just get that in the record and that 25 would save us an interrogatory and document requests</p>

<p style="text-align: right;">Page 130</p> <p>1 later on.</p> <p>2 MS. GUREWITZ: You can get it from the</p> <p>3 Secretary of State's website.</p> <p>4 MR. GRILL: The absentee ballots too?</p> <p>5 MS. GUREWITZ: Yes.</p> <p>6 MR. GRILL: All right. One way or the</p> <p>7 other --</p> <p>8 MS. GUREWITZ: Can we go off the record?</p> <p>9 MR. GRILL: Sure.</p> <p>10 (Discussion off the record.)</p> <p>11 BY MR. GRILL:</p> <p>12 Q. Was the actual turnout number of voters in</p> <p>13 November 2016 above or below your expectation?</p> <p>14 A. It met my expectation.</p> <p>15 Q. It met your expectation?</p> <p>16 A. Uh-huh.</p> <p>17 Q. In paragraph 24 you write that, straight party</p> <p>18 voting option significantly reduces the amount of time</p> <p>19 that a voter takes to mark his or her ballot. How much</p> <p>20 time does it reduce it by?</p> <p>21 A. Oh, probably about maybe three minutes.</p> <p>22 Q. How long does it take to mechanically fill out</p> <p>23 one oval on a ballot?</p> <p>24 A. My Cousin Vinnie, how long does it take to cook a</p> <p>25 grit.</p>	<p style="text-align: right;">Page 132</p> <p>1 back up check-in station or can you continue to check in</p> <p>2 people while they were waiting for a booth?</p> <p>3 A. Oh, yeah, we can continue to check-in people, we</p> <p>4 don't wait, uh-huh.</p> <p>5 Q. In paragraphs 26 and 27, I'll take these two</p> <p>6 together, you describe that -- okay, in paragraphs 26</p> <p>7 and 27 you describe some of the problems that long lines</p> <p>8 can engender.</p> <p>9 A. Uh-huh.</p> <p>10 Q. What are you and the city clerk doing about long</p> <p>11 lines in the City of Detroit?</p> <p>12 A. Well, I think one of the efforts that we</p> <p>13 attempted to execute was using two electronic poll books</p> <p>14 for the presidential election.</p> <p>15 In addition to that one of the other</p> <p>16 alternatives that we used was on the front end in terms</p> <p>17 of satellite absentee voting. What we did was we used</p> <p>18 the Department of Elections as well as the city clerk's</p> <p>19 office and several other satellites throughout the City</p> <p>20 of Detroit to drive those voters who qualified to vote</p> <p>21 by absentee ballot at those satellites. I believe it</p> <p>22 was 2,000 and -- at the 2012 election we had probably</p> <p>23 over 80,000 people who requested absentee ballots,</p> <p>24 whether it's through the mail or through satellite.</p> <p>25 So we were hoping that voters who voted by</p>
<p style="text-align: right;">Page 131</p> <p>1 MR. KORDENBROCK: It's similar.</p> <p>2 THE WITNESS: I don't know.</p> <p>3 BY MR. GRILL:</p> <p>4 Q. How much are lines increased by someone taking</p> <p>5 three more minutes to vote?</p> <p>6 A. Just one person?</p> <p>7 Q. Yeah. So one person in line takes three more</p> <p>8 minutes to fill out a ballot, how long does that</p> <p>9 increase the line?</p> <p>10 A. About three minutes.</p> <p>11 Q. What is the effect of a person taking one extra</p> <p>12 minute to vote on the lines?</p> <p>13 A. One minute.</p> <p>14 Q. 30 seconds?</p> <p>15 A. 30 seconds.</p> <p>16 Q. In paragraph 25 you write that, if a person is</p> <p>17 waiting at the booth or if a person is waiting for a</p> <p>18 booth to be available a line will also form at the</p> <p>19 check-in station.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Is that necessarily the case or are there things</p> <p>22 you can do to mitigate that?</p> <p>23 A. In terms of waiting on a booth?</p> <p>24 Q. Well, I mean if there's no booths they are going</p> <p>25 to wait for a booth, but do they necessarily have to</p>	<p style="text-align: right;">Page 133</p> <p>1 absentee ballot in 2012 would take the opportunity to</p> <p>2 vote in those particular satellites and hoping that some</p> <p>3 of the other Detroiters would follow that trend as well,</p> <p>4 particularly those individuals who were 60 years of age</p> <p>5 or older. So we increased our satellites from 2012 from</p> <p>6 two to four with the hopes that folk would engage in</p> <p>7 that particular process.</p> <p>8 Q. Were those satellite offices successful in</p> <p>9 helping to mitigate some of the effects of long lines?</p> <p>10 A. No, it was not.</p> <p>11 Q. Not at all?</p> <p>12 A. Huh-huh, no.</p> <p>13 Q. And you earlier spoke about the two poll book</p> <p>14 solution.</p> <p>15 A. Yes.</p> <p>16 Q. And that you did not have success with that?</p> <p>17 A. There was some success in some areas, but overall</p> <p>18 it didn't work out very well.</p> <p>19 Q. Are you going to be using the two poll book</p> <p>20 option again in the next general election?</p> <p>21 A. I can't say that we will at this particular time.</p> <p>22 Q. Is it dead forever or just dead for a little</p> <p>23 while until you can come back around to it?</p> <p>24 A. Probably need to go back to the drawing board to</p> <p>25 see how to strategize that to make sure that it's more</p>

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<p>1 A. Nationwide, correct.</p> <p>2 Q. So the 11.6 minute time for white voters would be</p> <p>3 at a different polling location --</p> <p>4 A. Correct.</p> <p>5 Q. -- than the ones for the Hispanic voters or</p> <p>6 African American voters?</p> <p>7 A. Yeah, I think it was disbursed all over the</p> <p>8 United States.</p> <p>9 Q. In paragraph 30 you discuss that the 2010 census</p> <p>10 data reported that Detroit's population went 91 percent</p> <p>11 minority and 82.3 percent African American, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And earlier you stated that roughly 75 percent</p> <p>14 used straight party voting?</p> <p>15 A. Yes, in 2012 I believe it was.</p> <p>16 Q. 2000- -- like 75.3 percent and 75.5 percent in</p> <p>17 2014?</p> <p>18 A. Something like that, yes.</p> <p>19 Q. Would it be fair to say then that because 75</p> <p>20 percent is less than 82.3 percent that not all African</p> <p>21 Americans use straight party voting?</p> <p>22 A. Oh, yes.</p> <p>23 Q. And the remaining 18 percent, I guess 17.7</p> <p>24 percent, but we'll call it 82 percent, so the remaining</p> <p>25 18 percent of non-minority voters, do you agree with my</p>	<p>1 A. Yes.</p> <p>2 Q. Basically -- okay. So by mathematics then that</p> <p>3 last nine percent has got to be white, right?</p> <p>4 A. Yes. Yes, that's correct.</p> <p>5 Q. What if all of that nine percent white population</p> <p>6 used straight party voting, all right, then would it not</p> <p>7 be true that 100 percent of white voters in Detroit</p> <p>8 would use straight party voting? Do you follow my --</p> <p>9 A. If all nine percent?</p> <p>10 Q. Right, if the last nine percent, that white</p> <p>11 population in Detroit, if all of that nine percent used</p> <p>12 straight party voting would that be 100 percent of the</p> <p>13 white voting in Detroit using straight party voting?</p> <p>14 A. That is correct, yeah.</p> <p>15 Q. And if we deduct that nine percent out of the 75</p> <p>16 percent using straight party voting, that leaves us with</p> <p>17 about 64 percent?</p> <p>18 A. You have to do a different kind of math in order</p> <p>19 to get that number. You can't just take that nine</p> <p>20 percent out of that population -- that percentage of</p> <p>21 turnout for the --</p> <p>22 Q. We're in kind of a hypothetical here. So if 75</p> <p>23 percent of the population is using straight party vote,</p> <p>24 and if we assume for purposes of argument that nine</p> <p>25 percent, that whole nine percent of the white population</p>
Page 139	Page 141
<p>1 math so far on that, that if you've got 82 percent</p> <p>2 African American that the other 18 percent is not</p> <p>3 African American.</p> <p>4 A. Repeat that.</p> <p>5 Q. Sure. If we're looking at paragraph 30 and</p> <p>6 Detroit's population is 82.3 percent African American.</p> <p>7 A. Uh-huh.</p> <p>8 Q. That the other 18 percent give or take of the</p> <p>9 Detroit population is not African American?</p> <p>10 A. That's correct, yes. Yes, right, I got you.</p> <p>11 MS. GUREWITZ: That's too hard for us, Erik.</p> <p>12 MR. GRILL: We're getting late in the day, I</p> <p>13 know.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. GRILL:</p> <p>16 Q. And you say here that 91 percent of Detroit's</p> <p>17 population is minority; what is included in that?</p> <p>18 A. Non-white, all non-whites.</p> <p>19 Q. So that would include Asian?</p> <p>20 A. Asian.</p> <p>21 Q. Native American?</p> <p>22 A. Native American.</p> <p>23 Q. Middleeastern descent?</p> <p>24 A. Middleeastern, yes.</p> <p>25 Q. Central Asian, that kind of thing?</p>	<p>1 is part of that 75 percent.</p> <p>2 A. Yeah.</p> <p>3 Q. That leaves us about 64 percent left, right?</p> <p>4 A. Okay.</p> <p>5 Q. That would be non-white?</p> <p>6 A. Okay.</p> <p>7 Q. So in this hypothetical structure that I've</p> <p>8 constructed we have 100 percent of the white voters</p> <p>9 using straight party voting and about 64 percent of the</p> <p>10 non-white voters using straight party voting, correct?</p> <p>11 A. Okay.</p> <p>12 Q. In that circumstance the elimination of straight</p> <p>13 party voting would affect whites more than non-whites,</p> <p>14 fair to say?</p> <p>15 A. In that circumstance, yes.</p> <p>16 Q. Can you say with absolute certainty that that</p> <p>17 isn't the case?</p> <p>18 A. I cannot.</p> <p>19 Q. Do you happen to know whether or not all of the</p> <p>20 82.3 percent of the African American population in the</p> <p>21 City of Detroit is registered to vote?</p> <p>22 A. No.</p> <p>23 Q. In paragraph 32 you talk about voters being</p> <p>24 confused and angry by the absence of straight party</p> <p>25 voting.</p>

<p style="text-align: right;">Page 146</p> <p>1 election with three candidates on the ballot versus a 2 gubernatorial election with three offices on the ballot 3 versus a general election ballot with 20 offices on the 4 ballot, the increase in overvote -- the overvote 5 increases where the offices -- where you have more 6 offices.</p> <p>7 Q. Was that study something you relied upon in 8 drafting this affidavit or this declaration?</p> <p>9 A. Kind of sort of.</p> <p>10 Q. With that in mind, I think that document would be 11 responsive to --</p> <p>12 A. Well, it's not a document -- well, okay, go 13 ahead, finish your statement.</p> <p>14 Q. I was just going to say I think that that would 15 be the type of document that would be responsive to at 16 least some of the document requests we sent with the 17 notice duces tecum.</p> <p>18 A. Okay.</p> <p>19 Q. So I would like to have that information provided 20 to us.</p> <p>21 A. Okay.</p> <p>22 Q. In paragraph 34 you talk about the disabled have 23 more dif- -- would have more difficulty without straight 24 party voting, particularly those who use the AutoMARK 25 voting machine. Does the City of Detroit still use</p>	<p style="text-align: right;">Page 148</p> <p>1 And upon the review and acceptance then they 2 will accept that or reject it, but upon acceptance then 3 the AutoMARK would physically cast the votes based upon 4 the voter's selections. And then after that it would 5 give the vote -- retrieve the ballot back to the voter 6 and then the voter would insert the ballot into the 7 tabulator.</p> <p>8 Q. And how does the ICBX system differ?</p> <p>9 A. It differs in the sense that there's no physical 10 ballot to give to the voter. It is a blank sheet of 11 paper that is in a printer. The screen comes up once 12 the voter has entered all of their proper information 13 and the card which is given to them at the precinct 14 table is inserted into the ICX, it will pull up the 15 ballot and the same process -- the process is the exact 16 same as the AutoMARK in terms of them reviewing the 17 ballot and casting their vote. And then upon completion 18 of the ballot cast then the ICX prints out the entire 19 ballot on the blank sheet of paper. Then they remove 20 that document and insert it into the ICP tabulator.</p> <p>21 Q. And in terms of there being the audio option, if 22 a person with difficulty --</p> <p>23 A. Yes, all of that, audio, sip and puff, et cetera.</p> <p>24 Q. Got you. Is there any type of certification that 25 a person needs to present in order to be able to use the</p>
<p style="text-align: right;">Page 147</p> <p>1 AutoMARK or has that been replaced?</p> <p>2 A. No, we have the ICX, ADA tabulator.</p> <p>3 Q. I think you mentioned that earlier. How many 4 voters in the City of Detroit use the AutoMARK system or 5 the ICBX (sic) system?</p> <p>6 A. Less than one percent.</p> <p>7 Q. And in the November 2016 election was the 8 AutoMARK still being used or was it already the new ICBX 9 system?</p> <p>10 A. The AutoMARK.</p> <p>11 Q. How did the AutoMARK system work once it's 12 processed?</p> <p>13 A. The voter would insert the physical ballot into 14 the tabulator, and upon them inserting the physical 15 ballot into the tabulator then the screen would pop up 16 with the various offices, beginning with the straight 17 party ballot, and then they would make their choice. If 18 they didn't choose it then it would go to the next 19 office. If they chose straight party voting then it 20 would go to the non-partisan section of the ballot. And 21 in each instance it would, after they finished that 22 section, then it would go to the next office until 23 completion. Upon completion then it would provide the 24 voter an opportunity to review their ballot and the 25 votes that they cast.</p>	<p style="text-align: right;">Page 149</p> <p>1 disability voting machines that are --</p> <p>2 A. Is there certification required by the voter?</p> <p>3 Q. Yeah.</p> <p>4 A. No.</p> <p>5 Q. So if I just came in and said I want to use the 6 AutoMARK I could get the AutoMARK?</p> <p>7 A. Correct.</p> <p>8 Q. Or the ICX?</p> <p>9 A. Yes.</p> <p>10 Q. What factors influence how long using the 11 AutoMARK or ICX system takes?</p> <p>12 A. Pardon me?</p> <p>13 Q. Sure. What are the factors that come into play 14 to determine how long it takes to use either the 15 AutoMARK or ICX system? Does it take the same for 16 everybody or --</p> <p>17 A. No, it varies. It depends on the individual.</p> <p>18 Q. Just how long they decide to think about a 19 particular office, that kind of thing?</p> <p>20 A. How long it takes them to decide to think about a 21 particular office, how they engage, the paper ballot 22 versus the touch screen, those are the variables that 23 come into play.</p> <p>24 Q. How long do voters currently wait to use the 25 AutoMARK or ICX system?</p>

<p style="text-align: right;">Page 150</p> <p>1 A. It's usually available.</p> <p>2 Q. In paragraph 35 you write that you anticipate 3 that more voters will ask for assistance. Why would 4 more voters need to ask for assistance in the absence of 5 a straight party voting option?</p> <p>6 A. Simply because they don't understand it. The 7 question -- the first question that will come will be 8 asked by the voter is, well, where is the straight party 9 voting.</p> <p>10 Q. And you have to explain to them it's not there?</p> <p>11 A. Yeah, you have to explain to them.</p> <p>12 Q. How long will it take to explain to somebody that 13 there is not a straight party voting option?</p> <p>14 A. It depends on the person. I've been on the phone 15 with a voter about a change for two minutes, I've been 16 on the phone with a voter about a change for 15 minutes. 17 It depends on that person.</p> <p>18 Q. Speaking with -- that example you gave speaking 19 with the person for 15 minutes, was that in relation to 20 straight party voting specifically?</p> <p>21 A. No, no, it could have been for photo 22 identification. I've talked to a voter on the phone 23 about absentee ballots and why they didn't get their 24 ballot and explained to them, well, you have to apply. 25 Well, I didn't apply -- I didn't apply at the last</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. In paragraph 37 you talk about as one of the 2 steps to address the problems caused by 268, by PA 268, 3 encouraging absentee voting. I think as we discussed 4 earlier that's something that you and your office is 5 already involved in, correct?</p> <p>6 A. Uh-huh, yes.</p> <p>7 Q. In paragraph 37 you also talk about the use of 8 two e-poll books?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Yes?</p> <p>11 A. Yes.</p> <p>12 Q. So now this was -- this affidavit -- this 13 declaration was written before the November 2016 14 election?</p> <p>15 A. That is correct.</p> <p>16 Q. So subsequently your experience in the November 17 2016 election is that the two poll book solution is not 18 a good solution for you right now?</p> <p>19 A. For now, correct.</p> <p>20 Q. In paragraph 37 you also talk about a step you 21 could take to address the problems as the hiring of 22 additional election inspectors?</p> <p>23 A. Correct.</p> <p>24 Q. How many inspectors did you actually have per 25 precinct in 2016?</p>
<p style="text-align: right;">Page 151</p> <p>1 election, I just got my ballot. So, you know, it 2 depends on the individual and what their issue of 3 concern is.</p> <p>4 Q. All right. Allowing for individual variations 5 and exceptions to any rule, how long would you expect 6 generally for it to take to explain that there is no 7 longer an absentee ballot -- I'm sorry, a straight party 8 voting option on the ballot?</p> <p>9 A. A minute or two.</p> <p>10 Q. In paragraph 37 you discuss that you've 11 identified steps you can take to address the problems 12 created by PA 268, which was the bill that eliminated 13 straight party voting.</p> <p>14 A. Uh-huh.</p> <p>15 Q. What do you mean by broad educational program?</p> <p>16 A. So a broad voter education program would include 17 television, radio, social media, billboards, and every 18 form of media that's available, in addition to the use 19 of the ecumenical community and going into those 20 particular churches and community organizations and 21 using them or using their forms as a medium to 22 communicate any changes as well as our election 23 connection newsletter that we mail out to every voter.</p> <p>24 Q. Anything else?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 153</p> <p>1 A. It was probably -- on an average probably about 2 nine, uh-huh.</p> <p>3 Q. And what is the normal number of election 4 inspectors you have per precinct?</p> <p>5 A. Five.</p> <p>6 Q. So it's already part of your process in a 7 presidential election you're going to hire additional 8 election inspectors?</p> <p>9 A. Right.</p> <p>10 Q. Are additional election inspec- -- are the 11 inspectors trained individually or as a collective 12 group?</p> <p>13 A. In groups of about anywhere from 20 to 30.</p> <p>14 Q. So if they are trained as a group why would the 15 hiring of additional inspectors increase training costs?</p> <p>16 A. Oh, because they are in groups of 20 or 30 so you 17 would have to definitely add additional classes to 18 accommodate for additional poll workers.</p> <p>19 Q. How many additional classes would you have needed 20 to train the sufficient number of inspectors for the 21 absence of straight party voting?</p> <p>22 A. I'm not sure.</p> <p>23 Q. And what cost are you estimating per additional 24 inspector?</p> <p>25 A. Probably about \$150.</p>

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1 A. No.

2 MR. GRILL: That is it. No further
3 questions.

4 MS. GUREWITZ: I have a couple of questions.

5 EXAMINATION

6 BY MS. GUREWITZ:

7 Q. During the 2016 election did you get calls from
8 people working in the field saying that they needed more
9 polling booths to be delivered?

10 A. Yes.

11 Q. Do you know how many precincts needed more
12 polling booths?

13 A. I can't tell you off the top of my head.

14 Q. Mr. Grill asked you about voters voting for the
15 wrong party, are you aware of that ever happening?

16 A. No.

17 MS. GUREWITZ: I have nothing further.

18 THE WITNESS: Okay.

19 MR. GRILL: Honestly I can't think of

20 anything to add right now.

21 (Whereupon Deposition concluded at 3:45 p.m.)

22

23

24

25

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1 STATE OF MICHIGAN)

2) SS

3 COUNTY OF INGHAM)

4 I, Melinda Nardone, Certified Shorthand
5 Reporter and Notary Public in and for the County of
6 Ingham, State of Michigan, do hereby certify that the
7 foregoing Deposition was taken before me at the time and
place hereinbefore set forth.

8 I further certify that said witness was
9 by me duly sworn in said cause; that the testimony then
10 given was reported by me stenographically; subsequently
11 with computer-aided transcription, produced under my
12 direction and supervision; and that the foregoing is a
13 full, true, and correct transcript of my original
14 shorthand notes.

15 IN WITNESS WHEREOF, I have hereunto set
16 my hand and seal this 6th day of September, 2017.

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19 Melinda Sue Nardone, CSR-1311,
20 Certified Shorthand Reporter,
and Notary Public, County
of Ingham, State of Michigan.
My Commission Expires: 10-24-18

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